



Commissioner of Patents

4 March 2005

Attn: Kimberly Terrell  
Fax: 703-746-4658

Subject: Request to Expedite

Application No. 08/579,395

Filing Date: 12/27/1995

Inventor: William H. Swain  
Age 83 yrs

"Made Special" by Ed Westin  
on 26 Nov 02; page 1 enclosed

Greetings,

I request that publication of my application be expedited because:

- a) Darlene Lyon at 703-308-6789 estimates publication completion about May 05.
- b) I paid the \$700 fee before 29 Dec 04.
- c) My application has been "made special". I am 83 years old.
- d) My application was filed over 5 years ago.

Please tell me when you now estimate publication.

Thank you for your consideration

Sincerely,

William H. Swain  
Inventor



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

22 August 2005

Re:  
Application No. 08/579,395  
Filing Date: 12/27/1995  
Inventor: William H. Swain  
Confirmation No: 4200  
Examiner: Karlsen, Ernest F.  
Art Unit: 2829

Subject: Petition to the Commissioner for Patents regarding delay of publication.

Greetings,

Publication of allowed claims in Application No. 08-579-395 has been delayed since 27 December 2004 when I sent in form PTOL-85B with the \$700 issue fee.

I do not complain of any action by the office, but rather, inaction. In this regard no one has cited a deficiency or flaw in my application, fee payment, documentation, etc. as a reason for holdup.

Please take action so that I soon receive a published patent.

Over the past 7 months I have called and faxed the Office of Patent Publications at least 20 times. Personnel were shown that:

- a) The Examiner, Mr. Ernest F. Karlsen allowed claims 32-38, 48-54, 64 and 66 on 15 December 2004. Copy enclosed.
- b) I sent \$709 with proper form PTOL-85B on 27 Dec 2004. Copy enclosed.
- c) This application was made "Special" on 26 November 2002. Copy enclosed.
- d) I am 83 years old.
- e) My application was filed over 5 years ago - nearly 10 years ago - on 27 December 1995.

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I was pleased on 19 April 05 when Miss Terrie Dyson indicated that publication was still in "Initial Data Capture", but that it had been placed in "Expedited" on 22 March 05 by Miss Kimberley Terrell.

Miss Sheryl McLeod (phone 703-308-9250, Ext. 153) called me back on 16 May 05 to indicate that a problem had been fixed and I would likely see a patent in June.

In response to my many inquiries Miss McLeod has since called repeatedly. I gather that the holdup is in an outside contractor's office, and that she and others are trying to get my application published soon.

Please ask one of your staff to cause my application to be published soon, and to let me know what action has been taken.

Respectfully submitted,



William H. Swain

Inventor

08-579-395  
8-22-05

Enclosed:

- 1) \$130 fee enclosed, check #13460.
- 2) Copy of Notice of Allowance and Fee(s) due.
- 3) Copy of fee payment form PTOL-85B and \$709 check.
- 4) Copy of the Examiners comments, page 3, 15 December 04.
- 5) Copy of page 1, "Decision on Petition to make special" dated 26 Nov 2002.
- 6) Copy of my fax to Kimberley Terrell of 4 March 05.

21 Dec 04

Page 3

Application/Control Number: 08/579,395

Art Unit: 2829

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



Examiner's Comments

Claims 32-38, 48-54, 64 and 66 are allowed.

The Interview Summary indicates that Applicant and the Examiner agreed that an Examiner's Amendment would be provided correctly indicating the status of claims 1-31 in Applicant's Amendment of November 15, 2004.

Any inquiry concerning this communication should be directed to Ernest F.

Karlsen at telephone number 571-272-1961.

Ernest F. Karlsen

December 15, 2004

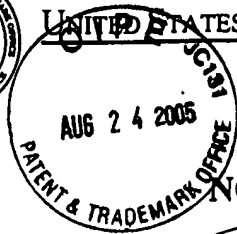
*Ernest F. Karlsen*  
ERNEST KARLSEN  
PRIMARY EXAMINER

21 Dec 04



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



NOTICE OF ALLOWANCE AND FEE(S) DUE

7590  
WILLIAM H SWAIN  
4662 GLEASON AVE  
SARASOTA, FL 34242

12/16/2004

EXAMINER	
✓ KARLSEN, ERNEST F	
ART UNIT	PAPER NUMBER
2829 ✓	
DATE MAILED: 12/16/2004 ✓	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCY.ET NO.	CONFIRMATION NO.
08/579,395	12/27/1995	WILLIAM H. SWAIN		4200

TITLE OF INVENTION: ERROR CORRECTION BY SELECTIVE MODULATION

Plus 3 Copies = \$9.-

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	03/16/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov



Paper No. 33

NOV 26 2002

*Rec'd 2 Dec 02*

William H. Swain  
4662 Gleason Avenue  
Sarasota, FL 34242

In re Application of  
William H. Swain  
Application No.: 08/579,395  
Filing Date: December 27, 2002  
For: ERROR CORRECTION BY  
SELECTIVE MODULATION

DECISION ON PETITION  
TO MAKE SPECIAL

This is a decision on the petition filed September 09, 2002 (dated by applicant as 6 September, 2002) requesting "Advancement of Examination." It is being treated as a petition to make special requesting that the above identified application be granted special status under the provisions of 37 C.F.R. § 1.102(c) and MPEP § 708.02 IV. There is no fee for this petition.

The petition is GRANTED.

The provisions of MPEP § 708.02 IV state that an "application may be made special upon filing a petition including any evidence that the applicant is 65 years of age, or more, such as a birth certificate or applicant's statement."

The present petition was accompanied by a statement from applicant William H. Swain declaring that he is 80 years of age. The statement constitutes sufficient evidence as set forth in MPEP § 708.02 IV.

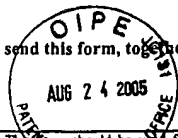
The application is being forwarded to the Technical Support Staff of Technology Center 2800 for: 1) the refund of the \$130.00 that was enclosed with the petition; and 2) the entry of the response that was filed on November 4, 2002 (dated by applicant as 1 November, 2002). The application will then be forwarded to the examiner of record for consideration of the response.

The copy of the response filed via Federal Express on November 20, 2002 (dated by applicant as 19 November, 2002) is being discarded as it is an exact copy of the response filed November 4, 2002. The copy of the letter filed August 5, 2002 (dated by applicant as 29 July, 2002) has been made of record in the file. In the letter, applicant requests "(p)lease tell

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (703) 746-4000



INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence, including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

12/16/2004

WILLIAM H SWAIN  
 4662 GLEASON AVE  
 SARASOTA, FL 34242

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

WILLIAM H. SWAIN (Depositor's name)  
 William H. Swain (Signature)  
 21 December 2004 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/579,395	12/27/1995	WILLIAM H. SWAIN		4200

TITLE OF INVENTION: ERROR CORRECTION BY SELECTIVE MODULATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	03/16/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
KARLSEN, ERNEST F	2829	324-127000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). - None -
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47, Rev 03-02 or more recent) attached. Use of a Customer Number is required.
2. For printing on the patent front page, list
- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, - None -
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

- None -Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

## 4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies 3

## 4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed. \$709.00, check 13228
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above) - None -

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature: William H. SwainDate: 21 December 2004Typed or printed name: WILLIAM H. SWAINRegistration No.: Inventor

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTOL-\$5 (Rev. 11/04) Approved for use through 04/30/2007.

OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

WILLIAM H. SWAIN CO.  
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 SARASOTA, FL 34240

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FOR

PTOL-85B for Application 08/579,395  
Issue, etc. William H. Swain

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